



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brian Aegerter, et al.

Application No.: 10/647,914

Conf. No.: 2441

Filed On: August 26, 2003

For: SELECTIVE TREATMENT OF MICROELECTRONIC  
WORKPIECE SURFACES

Art Unit: 1746

Examiner: Michail Kornakov

Docket No.: 114183-20 (P00-0024US3)

REQUEST TO ADD AN INVENTOR UNDER  
37 C.F.R. § 1.48 AND PETITION UNDER § 1.47(a)

NOW COME applicants in the above-identified application and hereby request, under the provisions of 37 C.F.R. § 1.48, to add as an inventor in this application Steven L. Peace. The fee of \$130 accompanies this request. Applicants also petition, under the provisions of 37 C.F.R. § 1.47, for leave to file the present application without the signatures of Michael Jolley and Curt D. Dundas, both of whom have refused to sign the replacement Declaration and Power of Attorney in the application. The fee of \$200 for this petition is also enclosed.

The present application was filed for the purpose of presenting claims copied from U.S. Patent No. 6,290,865 ("the '865 patent") to provoke an

interference. During the prosecution of the application, it was discovered that Steven L. Peace, a research engineer employed by Semitool, Inc., the assignee of the present application, had worked with Gary L. Curtis, one of the named inventors, on a number of projects. One such project related to the selected etching of wafers in which an inert fluid is contacted with the wafer on one side while an etchant (e.g., HF or HNO<sub>3</sub>) is contacted with the wafer on the other side to remove a metal material. Thus, the inert fluid serves to protect one side of the wafer while the etchant removes whatever surface may be present on the other side of the wafer.

Submitted herewith is a declaration of Mr. Peace under the provisions of 37 C.F.R. §§ 1.48 and 1.131. Mr. Peace points out in his declaration that he conceived and reduced to practice subject matter of claims now in this application, namely the claims that have been copied from the '865 patent. Claims of that scope were not in the application as originally filed and hence Mr. Peace had not been included as a co-inventor. Now that claims specifically directed to that work have been added during the prosecution of the present application, applicants request that Mr. Peace be added as a co-inventor.

In his declaration, Mr. Peace points out that he verily believes that he is a co-inventor of the subject matter now claimed in the application and that Semitool failed to include him as a co-inventor because the subject matter which was the focus of the claims had not been included originally. Quite the contrary, the occasion to add Mr. Peace as an inventor arises from the change in the claims in the application. Accordingly, as Mr. Peace indicates and is self-evident in the

record in this application, the omission of Mr. Peace as a co-inventor occurred entirely without deceptive intent.

Counsel for Semitool then began, in September of 2006, to prepare the papers to add Mr. Peace as a co-inventor. Since a number of the named inventors were no longer employed by Semitool, counsel for Semitool needed to secure the agreement of the co-inventors to the addition of Mr. Peace as a co-inventor. For example, counsel for Semitool, on September 12, 2006, dispatched a letter by Federal Express to Mr. Michael Jolley explaining the situation (Exhibit A). Mr. Jolley responded to the letter via e-mail (Exhibit B) and commented that the exhibit to Mr. Peace's declaration under 37 C.F.R. § 1.131 lacked a date, and Mr. Jolly questioned why. Mr. Jolley also indicated a preference that his name be deleted entirely from the papers on the ground that he had not played a "significant" role in the invention.

Counsel for Semitool responded to Mr. Jolley's questions via e-mail (Exhibit C), clarifying the date question and pointing out that the application in its present form includes subject matter that Mr. Jolley unmistakably contributed to. Counsel suggested leaving the inventorship issue as it was. Mr. Jolley never responded, and hence has refused to execute the replacement declaration transmitted to him originally.

At the time counsel was preparing the papers to add Mr. Peace as a co-inventor, it was counsel's belief that Mr. Dundas, another named co-inventor, was still employed by Semitool. See, for example, Exhibit D. Only after counsel was unable to secure the signature of Mr. Dundas did he learn that Mr. Dundas no longer worked at Semitool (Exhibit E). Counsel accordingly sent by Federal

Application No. 10/647,914

Request To Add An Inventor Under 37 C.F.R. § 1.48

January 8, 2007

Express a similar set of papers (Exhibit F) to Mr. Dundas at his address in Albuquerque, New Mexico, his last address known to Semitool. That letter was sent in November of 2006. Neither counsel nor Semitool has received any response to the requests contained in Exhibit F. Therefore, Semitool believes that Mr. Dundas, despite Semitool's diligent efforts to secure his signature, has refused to sign the renewed declaration in the above application.

Under all these circumstances, applicants submit that they have proceeded diligently in correcting the inventorship in the application and attempting to secure the signatures of both Mr. Jolley and Mr. Dundas. Therefore, the Honorable Commissioner of Patents and Trademarks should accept the present application without the signatures of Messrs. Jolley and Dundas and should add Mr. Peace as a co-inventor.



---

Keith V. Rockey  
Registration No. 24,713  
One of the Attorneys of Record

Rockey, Depke, Lyons & Kitzinger, LLC  
Sears Tower, Suite 5450  
233 South Wacker Drive  
Chicago, Illinois 60606

January 8, 2007

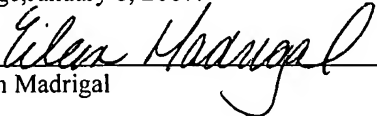
Application No. 10/647,914

Request To Add An Inventor Under 37 C.F.R. § 1.48

January 8, 2007

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence and/or fee is, on the date shown below, being deposited with the United States Postal Services as Express Mail Post Office to Addressee, No. EV 871552539 US\_, with sufficient postage, January 8, 2007.

  
\_\_\_\_\_  
Eileen Madrigal

ROONEY, DEPKE, LYONS & KITZINGER, LLC

Sears Tower  
Suite 5450  
Chicago, IL 60606

Of Counsel  
Lewis T. Steadman

Phone (312) 277-2006  
Fax (312) 441-0570

September 12, 2006

Mr. Michael Jolley  
14325 S.W. Stallion Drive  
Beaverton, OR 97008

Re: SELECTIVE TREATMENT OF MICROELECTRONIC  
WORKPIECE SURFACES  
Serial No. 10/647,914  
Semitool Reference: P00-0024US3  
Our Reference: 114183-20

Dear Mr. Jolley:

We are working with Pete Cross at Semitool in connection with an application pending in the United States Patent Office in which you were named as a co-inventor. For your information, I am enclosing a copy of that application and the claims as they currently stand to refresh your recollection as to the subject matter of this application.

We have filed this patent application and claims to provoke an interference with a patent owned by a third party which discloses and claims the same subject matter. We have determined that some of the work falling within the scope of the present application was done by one of your colleagues, namely Steven D. Peace, and have concluded that our position in the interference would be improved by adding Mr. Peace as an inventor.

That requires the consent of the named inventors as well as the consent of Semitool, which I have already secured.

I am enclosing, for your information, a copy of a Declaration Under 37 C.F.R. §§ 1.48 And 1.131 for Mr. Peace to sign explaining his role as a co-inventor. I am also enclosing, for your information, our Request to add him as an inventor as well as our Supplemental Response that explains the significance of his work on the prospective interference.

EXHIBIT

A

Mr. Michael Jolley  
September 12, 2006  
Page 2

If you are in agreement with our course of action, I would ask that you sign the Replacement Declaration and Power of Attorney which is enclosed and return it to me in the self-addressed envelope. Your name will remain as a co-inventor on any patent that issues. Needless to say, if you have any questions regarding any of the foregoing, please do not hesitate to let me know, either by phone or email. My email address is [krockey@rdklaw.com](mailto:krockey@rdklaw.com).

Very truly yours,

Keith V. Rockey

KVR/emm  
Enclosures

cc: Harry M. Cross Jr., Esq.

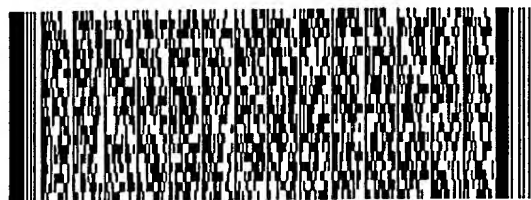
From: Origin ID: (312)277-2006  
Kathleen Lyons  
Rockey, Depke, Lyons & Kitzing  
233 S. Wacker Drive  
54th Floor  
Chicago, IL 60606



CLS832506/17/22

SHIP TO: (312)277-2006

BILL SENDER

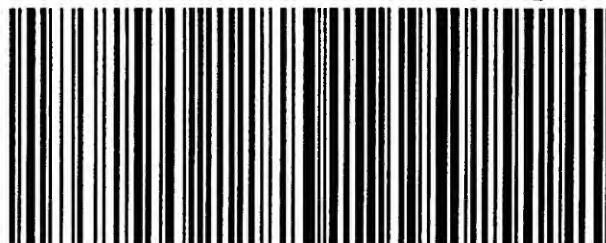
**Michael Jolley****14325 S.W. Stallion Drive****Beaverton, OR 97008**

Ship Date: 12SEP06  
ActWgt: 1 LB  
System#: 9873086/INET2500  
Account#: S \*\*\*\*\*

REF: 114183-00020



Delivery Address Bar Code

**STANDARD OVERNIGHT****WED**TRK# **7915 4844 8225**FORM  
0201Deliver By:  
13SEP06**PDX A2****97008** -OR-US  
RES**XH BNOA**

Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.**

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



**Eileen Madrigal**

---

**From:** Harry M. Cross Jr. [pcross@semitool.com]  
**Sent:** Monday, September 25, 2006 3:18 PM  
**To:** Keith V. Rockey  
**Cc:** Kathleen A. Lyons; Eileen Madrigal  
**Subject:** RE: P00-0024US3 \_Semitool Patent "Our Reference: 114183-20"

Keith, isn't the original exhibit dated? If so, what about sending Mike a copy of the original to confirm, and then ask him to sign?

Pete

---

**From:** Keith V. Rockey [mailto:krockey@rdlklaw.com]  
**Sent:** Thursday, September 14, 2006 10:39 AM  
**To:** Harry M. Cross Jr.  
**Subject:** FW: P00-0024US3 \_Semitool Patent "Our Reference: 114183-20"

---

**From:** Mike Jolley [mailto:Mike\_Jolley@cmicro.com]  
**Sent:** Thursday, September 14, 2006 9:52 AM  
**To:** Keith V. Rockey  
**Cc:** Craig Meuchel (E-mail)  
**Subject:** Semitool Patent "Our Reference: 114183-20"

I left Semitools employ more than 7 years ago. My memory of this patent application is hazy at best. My contribution was pretty limited to a hallway conversation where I suggested the use of HF with some kind of oxidizer in it as a method of removing copper from the backsides of wafers. My original suggestion for an oxidizer was hydrogen peroxide, which seems to have been supplanted by ozone in the patent documents.

I'm also a little troubled that Steve P's exhibit A is not dated anywhere.

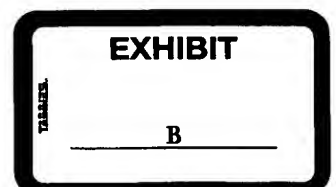
Can you comment on the lack of a date on this? It seems rather critical to your argument. The instructions are pretty clear on this and both the inventor and the witness's are supposed to date the document.

In all honesty I would just prefer to have my name removed from this invention as I don't feel that I really played a significant part.

Best Regards,

Mike Jolley  
503-810-4819

9/25/2006



**Eileen Madrigal**

---

**From:** Eileen Madrigal  
**Sent:** Monday, September 25, 2006 7:01 PM  
**To:** Mike\_Jolley@cmicro.com  
**Cc:** pcross@semitool.com; amilliard@semitool.com; Keith V. Rockey; Eileen Madrigal  
**Subject:** AMAT Backside Etch; Serial No. 10/647,914; P00-0024US3; 114183-20  
**Attachments:** INVENTION DISCLOSURE.pdf

Dear Mike,

Thank you for your note of September 14, 2006. I can sympathize with your hazy recollection of the events after seven years.

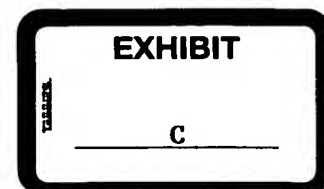
Dealing first with the lack of a date on Exhibit A, it is standard procedure, when submitting an affidavit or declaration in the PTO to establish an earlier date of invention, to delete the actual dates shown on the documents. The reason for that is few companies want to let the public know, once the patent issues, what their "best" or "earliest" date of invention might be. Including the date would do just that. The convention has long been followed to simply leave out the date and allege that the date that does appear on the documents is prior to, in this case, November of 1998.

I can readily understand your concern about this. I am attaching to this email a copy of the unexpurgated form of the Invention Record (Exhibit A). You will be able to see for yourself that the dates which it contains are all prior to November of 1998. Therefore, I am quite comfortable in asking Steve to execute the document alleging that the work done was done prior to November of 1998. I hope that eases your concern since the dates are all prior.

I also appreciate your views that you would prefer to have your name removed from the application. As a general rule, in prospective interference situations, such motions can be viewed with suspicion. I discussed this case with Pete Cross, and you are quite right that you did suggest a combination of HF with oxidizing agents, notably hydrogen peroxide. That is described in the application as one possible embodiment and thus we believe your inclusion as an inventor was entirely appropriate. We would prefer to leave the inventorship alone as far as you are concerned since there was ample basis on which to include you.

I would accordingly, in light of all the foregoing, ask you to sign the declaration which I forwarded to you and return it to me. If you have any further questions about any of these issues, please do not hesitate to let me know.

Keith



9/25/2006

Eileen M. Madrigal  
Rockey, Depke, Lyons & Kitzinger, LLC  
Sears Tower, Suite 5450  
233 South Wacker Drive  
Chicago, Illinois 60606  
312-277-1135

ROCKEY, DEPKE, LYONS & KITZINGER, LLC

Sears Tower  
Suite 5450  
Chicago, IL 60606

Of Counsel  
Lewis T. Steadman

Phone (312) 277-2006  
Fax (312) 441-0570

September 12, 2006

Harry M. Cross Jr., Esq.  
Intellectual Property Counsel  
Semitool, Inc.  
655 West Reserve Drive  
Kalispell, MT 59901

Re: SELECTIVE TREATMENT OF MICROELECTRONIC  
WORKPIECE SURFACES  
Serial No. 10/647,914  
Semitool Reference: P00-0024US3  
Our Reference: 114183-20

Dear Pete:

Please find enclosed hard copies of the papers which I have prepared for filing in connection with the above matter, including:

- (a) Supplemental Response To Office Action Dated February 7, 2006;
- (b) Request To Add An Inventor Under 37 C.F.R. § 1.48;
- (c) Declaration Under 37 C.F.R. §§ 1.48 And 1.131 Of Steven L. Peace;
- (d) Consent By Assignee Under 37 C.F.R. § 1.48(c); and
- (e) Replacement Declaration And Power Of Attorney.

I would ask you to have the Replacement Declaration And Power Of Attorney signed by the inventors who I understand are still in Semitool's employ, namely Messrs. Aegerter, Dundas and Ritzdorf. Through the attached correspondence, I have forwarded copies of the necessary materials to Messrs. Curtis, Jolley and Peace.

EXHIBIT

D

Harry M. Cross Jr., Esq.  
September 12, 2006  
Page 2

It may well be that the Semitool inventors may wish to see the specification and current claims, and I am accordingly enclosing for their review a copy of the specification and the claims as they were most recently amended. Kindly let me know if any of them raise any questions respecting our course of action. I am also enclosing, in the event the inventors wish to review it, a copy of the papers associated with the addition of Mr. Peace as a co-inventor. They include his declaration and the request to add him as an inventor. And finally, I am enclosing a copy of the paper I propose to file in the PTO explaining why he should be added as an inventor.

As you requested, I am sending a copy of the foregoing materials to the other inventors who are no longer employed by Semitool, including Mr. Peace. I have provided a brief explanation for use by Mr. Curtis and Mr. Jolley. I believe Mr. Peace already understand what we are doing and why, based on my fairly extensive telephone conferences with him.

Kindly let me know if you have any questions regarding the foregoing.

Very truly yours,

Keith V. Rockey

KVR/emm  
Enclosures

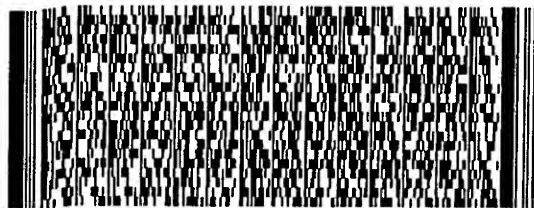
From: Origin ID: (312)277-2006  
Kathleen Lyons  
Rockey, Depke, Lyons & Kitzing  
233 S. Wacker Drive  
54th Floor  
Chicago, IL 60606



CL5812506/17/22

SHIP TO: (312)277-2006  
**Harry Cross, Esq.**  
**Semitool, Inc.**  
**655 West Reserve Drive**

BILL SENDER

**Kalispell, MT 59901**

Ship Date: 12SEP06  
ActWgt: 1 LB  
System#: 9873086/INET2500  
Account#: S \*\*\*\*\*

REF: 114183-00020



Delivery Address Bar Code

**STANDARD OVERNIGHT****WED**

TRK# 7900 6670 3801

FORM  
0201Deliver By:  
13SEP06**GTF AM**

59901 -MT-US

**XH FCAA**

Shipping Label: Your shipment is complete

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.**

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**Eileen Madrigal**

---

**From:** Angela Milliard [AMilliard@semitool.com]  
**Sent:** Tuesday, October 31, 2006 10:58 AM  
**To:** Eileen Madrigal  
**Cc:** Keith V. Rockey  
**Subject:** RE: AMAT Backside Etch Interference; P00-0024US3; 114183-20

Curt Dundas  
3821 Simms Ave.  
Albuquerque, NM 87108

---

**From:** Angela Milliard  
**Sent:** Monday, October 30, 2006 2:40 PM  
**To:** 'Eileen Madrigal'  
**Subject:** RE: AMAT Backside Etch Interference; P00-0024US3; 114183-20

Curt no longer works here at Semitool.

---

**From:** Eileen Madrigal [mailto:emadrigal@rdklaw.com]  
**Sent:** Monday, October 30, 2006 10:19 AM  
**To:** Angela Milliard  
**Cc:** Keith V. Rockey; Eileen Madrigal; Harry M. Cross Jr.  
**Subject:** AMAT Backside Etch Interference; P00-0024US3; 114183-20

Angela,

Attached please find a new declaration and power of attorney for the above-identified application which we had previously sent to you for signatures of the inventors still at Semitool. We still need to get Curt Dundas to sign off on the document. Please have him execute the document and return the original to us for filing with the PTO.

Thanks so much for your help.

Eileen M. Madrigal  
Rockey, Depke, Lyons & Kitzinger, LLC  
Sears Tower, Suite 5450  
233 South Wacker Drive  
Chicago, Illinois 60606  
312-277-1135

11/4/2006



ROCKY, DEPKE, LYONS & KITZINGER, PC

Sears Tower  
Suite 5450  
233 S. Wacker Drive  
Chicago, IL 60606-6306  
Phone: (312) 277-2006  
Fax: (312) 441-0570

Of Counsel  
Lewis T. Steadman

November 15, 2006

Mr. Curt Dundas  
3821 Simms Avenue  
Albuquerque, NM 87108

Re: SELECTIVE TREATMENT OF MICROELECTRONIC  
WORKPIECE SURFACES  
Serial No. 10/647,914  
Semitool Reference: P00-0024US3  
Our Reference: 114183-20

Dear Mr. Dundas:

We are working with Pete Cross at Semitool in connection with an application pending in the United States Patent Office in which you were named as a co-inventor. For your information, I am enclosing a copy of that application and the claims as they currently stand to refresh your recollection as to the subject matter of this application.

We have filed this patent application and claims to provoke an interference with a patent owned by a third party which discloses and claims the same subject matter. We have determined that some of the work falling within the scope of the present application was done by one of your colleagues, namely Steven D. Peace, and have concluded that our position in the interference would be improved by adding Mr. Peace as an inventor.

That requires the consent of the named inventors as well as the consent of Semitool, which I have already secured.

I am enclosing, for your information, a copy of a Declaration Under 37 C.F.R. §§ 1.48 And 1.131 for Mr. Peace to sign explaining his role as a co-inventor. I am also enclosing, for your information, our Request to add him as an inventor as well as our Supplemental Response that explains the significance of his work on the prospective interference.

EXHIBIT

F



Mr. Curt Dundas

November 15, 2006

Page 2

If you are in agreement with our course of action, I would ask that you sign the Replacement Declaration and Power of Attorney which is enclosed and return it to me in the self-addressed envelope. Your name will remain as a co-inventor on any patent that issues. Needless to say, if you have any questions regarding any of the foregoing, please do not hesitate to let me know, either by phone or email. My email address is [krockey@rdklaw.com](mailto:krockey@rdklaw.com).

Very truly yours,

Keith V. Rockey

KVR/emm

Enclosures

cc: Harry M. Cross Jr., Esq.

**Jayne Schwartz**

---

**From:** TrackingUpdates@fedex.com  
**Sent:** Friday, November 17, 2006 3:43 PM  
**To:** Jayne Schwartz  
**Subject:** FedEx Shipment 798544733940 Delivered

---

This tracking update has been requested by:

Company Name: Rockey, Depke, Lyons & Kitzing

Name: Kathleen Lyons

E-mail: jschwartz@rdklaw.com

---

Our records indicate that the following shipment has been delivered:

Tracking number:	798544733940
Reference:	114183-20
Ship (P/U) date:	Nov 17, 2006
Delivery date:	Nov 17, 2006 14:36 PM
Sign for by:	Signature Release on file
Delivered to:	Residence
Service type:	FedEx Standard Overnight
Packaging type:	FedEx Pak
Number of pieces:	1
Weight:	2.0 LB

Shipper Information  
Kathleen Lyons  
Rockey, Depke, Lyons & Kitzing  
233 S. Wacker Drive  
54th Floor  
Chicago  
IL  
US  
60606

Recipient Information  
CURT DUNDAS  
3821 SIMMS AVENUE  
ALBUQUERQUE  
NM  
US  
87108

Special handling/Services:  
Deliver Weekday  
Residential Delivery

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 3:42 PM CST on 11/17/2006.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to [fedex.com](http://fedex.com).

1/6/2007

Thank you for your business.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brian Aegerter, et al.

Application No.: 10/647,914

Conf. No.: 2441

Filed On: August 26, 2003

For: SELECTIVE TREATMENT OF MICROELECTRONIC  
WORKPIECE SURFACES

Art Unit: 1746

Examiner: Michail Kornakov

Docket No.: 114183-20 (P00-0024US3)

DECLARATION UNDER  
37 C.F.R. §§ 1.48 AND 1.131 OF STEVEN L. PEACE

I, Steven L. Peace, hereby declare and say that:

1. I am an engineer residing in Whitefish, Montana and presently serve as a consultant to Semitool, Inc., the assignee of the above-identified application. Prior to the time that I became a consultant to Semitool, I was a research engineer employed by Semitool. During the time that I was employed by Semitool, I worked with Gary L. Curtis, one of the named inventors in the above-identified application.

2. I have reviewed the specification and the claims currently pending in the above-identified application. I am informed by counsel for

Application No. 10/647,914  
Declaration Under 37 C.F.R. §§ 1.48  
and 1.131 of Steven L. Peace  
September 11, 2006

Semitool that the claims which have been presented in the above-identified application were copied from U.S. Patent No. 6,290,865, which issued September 18, 2001 to Applied Materials, Inc. Those claims are directed to a method of removing a film of a deposited metal material in which a substrate such as a silicon wafer has a film of a deposited metal material on at least one surface which is unwanted. The substrate is rotated while a rinse or inert fluid is supplied to one surface to substantially prevent removal of the film from that surface while a dissolving or etching solution is directed to another surface to remove the unwanted metal material from that surface.

3. Having reviewed those claims, I verily believe that I conceived and reduced to practice subject matter falling within the claims as presented in the present application prior to November 30, 1998. To demonstrate such conception and reduction to practice, I attach hereto as Exhibit A an Invention Disclosure which I prepared and signed (and which was witnessed by Gary Curtis and Coby Grove) disclosing a single-sided etch process as disclosed and claimed in the present application. Exhibit A was prepared by me prior to November 30, 1998 and lists dates of conception, first sketch or drawing and date of first written description, all prior to November 30, 1998. In addition, Exhibit A shows that a working model was prepared prior to November 30, 1998.

4. While working at Semitool as a research engineer, Mr. Curtis and I worked on techniques by which wafers could be etched selectively, with an etchant being applied to one side of the wafer and an inert fluid applied to the other. In those techniques, the inert fluid protected any coatings on that side of the wafer while the etchant removed any coatings on the other side of the wafer.

5. The selective etching process I conceived and reduced to practice is described in Exhibit A which includes a sketch at the top of the second page. That sketch depicts a wafer which is contacted on its upper side with nitrogen gas or  $N_2$ , while an etchant, referred to as "Chem", is supplied to the other side of the wafer. The chemicals used in the etching process are described on the first page of Exhibit A, referring to hydrogen fluoride etch of oxide layers and nitric acid etch of copper layers. Thus, in the etching process described in Exhibit A, I supplied liquid nitric acid as the "Chem" agent and nitrogen gas as the inert fluid. The nitric acid flowed along the underside of the wafer illustrated in the sketch and effected removal of metallic copper from the wafer surface. Simultaneously, nitrogen gas flowed alongside the upper surface of the wafer as illustrated in the sketch and protected that upper surface from the actions of the nitric acid, as described and claimed in the present application.

6. Thus, the claims presently in the application are directed specifically to methods that I conceived and reduced to practice. I therefore verily believe that I am a co-inventor of the subject matter of the present application and the claims set forth therein. Because such subject matter was not claimed originally, I was not included in the application as originally filed as a co-inventor. I believe that I should be added as a co-inventor in light of the present claims. I verily believe that I was omitted as an inventor by reason of a change in the claims. Therefore, it is my belief that the failure to include me as an inventor in the application as originally filed was entirely without deceptive intent.

Application No. 10/647,914  
Declaration Under 37 C.F.R. §§ 1.48  
and 1.131 of Steven L. Peace  
September 11, 2006

7. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

8. Further declarant sayeth not.

Executed this \_\_\_\_ day of August, 2006 in Kalispell, Montana.

9/29/06 Steven L. Peace  
Steven L. Peace

# INVENTION DISCLOSURE

SEMITOOL, INC.

D98- 0054

IN CASE OF MULTIPLE INVENTORS: GET PAGE 2 OF THIS DISCLOSURE;  
EACH INVENTOR MUST FILL OUT INVENTOR INFORMATION.

- Note:
1. Use Ink or Type Only
  2. Do not erase errors. Line through any errors, initial and date.
  3. Describe invention with drawings, sketches, etc. and a written explanation. Drawings may be below or attached. If attached, the inventor(s) and witnesses must sign and date each sheet.
  4. Describe the advantages of this invention compared to the current approach, if any.
  5. Inventor(s) and two (2) witnesses must sign and date each sheet.
  6. Send original signed documents to the Intellectual Property Department. Retain a personal copy.

Inventor's Full Name (include middle initial, jr., sr., I, II, etc.)

Steven L. Peace

Check Box if there is more than one inventor (use page two of disclosure for additional inventors)

Inventor's Physical Home Address:

745 Hidden Valley Drive  
Whitefish, MT 59937

Inventor's Citizenship: USA

Title of Invention: Single Sided Etch

Tool or Process: HF Etch of Oxide, Single Wafer, Also copper etch w/ HNO<sub>3</sub>

Sketch, Explanation and Advantages:

See attached sketch

EXHIBIT

A

Signature(s) of Inventor(s):

Date:

Date of Conception:

Date of First Sketch/Drawing:

Steven L. Peace

Witnessed and Understood By:

Date:

Date of Written Description:

Working Model Prepared?

① Tony Antkowiak  
② Cady Grove

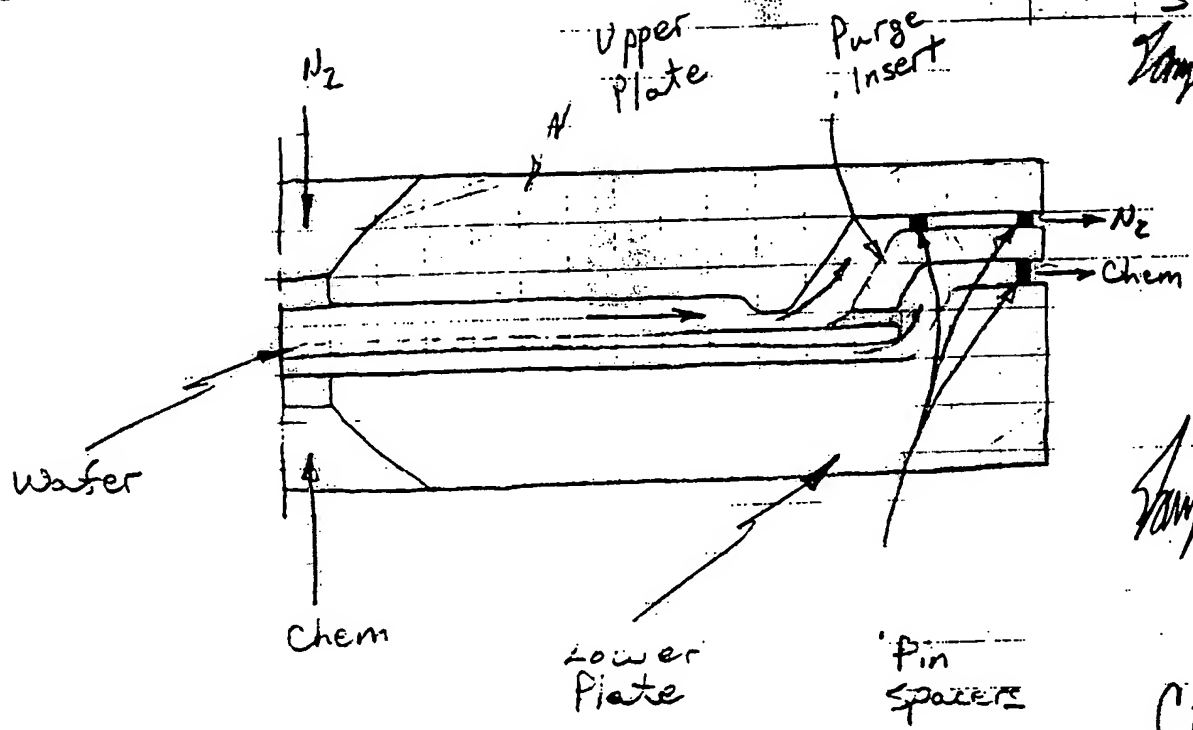
Yes / No

Date:



133

S. Peace  
Tom, Mike

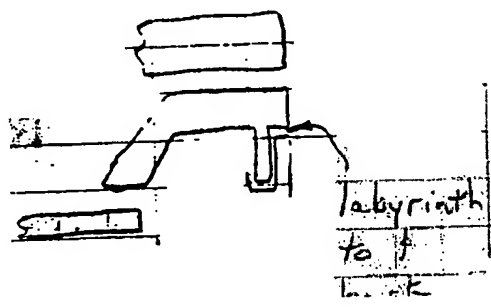
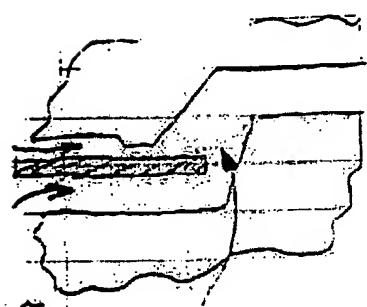


Tom, Mike

Cory Grove

Purge Insert attached to upper plate  
& spaced to form gap

- Lower plate spaced from upper plate  
Gap needs to be small enough  
to back chem up over top  
of wafer
- $N_2$  delivered on top to remove  
vapors
- Chemistry may wick between purge  
insert & wafer hard to  
evacuate?





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brian Aegerter, et al.

Application No.: 10/647,914

Conf. No.: 2441

Filed On: August 26, 2003

For: SELECTIVE TREATMENT OF MICROELECTRONIC  
WORKPIECE SURFACES

Art Unit: 1746

Examiner: Michail Kornakov

Docket No.: 114183-20 (P00-0024US3)

CONSENT BY ASSIGNEE UNDER 37 C.F.R. § 1.48(c)

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Semitool, Inc., a corporation located in Kalispell, Montana, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the originally named inventors of that application. The assignment of a parent application to the present application was recorded on May 14, 2001 in the United States Patent and Trademark Office at Reel 011815, Frame 0568.

Application No. 10/647,914  
Consent By Assignee Under 37 C.F.R. § 1.48(c)  
September 12, 2006

On behalf of Semitool, Inc., I hereby consent to adding Mr. Peace as  
an inventor in the application identified above.

Assignee: Semitool, Inc.

Signature: \_\_\_\_\_

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Larry A. Viano

Vice President – Finance, CFO

655 West Reserve Drive  
Kalispell, MT 59901